



# Journal of the House

State of Indiana

115th General Assembly

First Regular Session

Thirty-fifth Meeting Day

Monday Afternoon

March 26, 2007

The House convened at 1:00 p.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker read a prayer for wisdom and service (printed January 9, 2007).

The Pledge of Allegiance to the Flag was led by Representative Jeffrey K Espich.

The Speaker ordered the roll of the House to be called:

Austin	Klinker
Avery	Knollman
Bardon	Koch
Battles	Kuzman
Behning	L. Lawson
Bell	Lehe
Bischoff	Leonard
Borders	Lutz <input type="checkbox"/>
Borror	Mays
Bosma	McClain
C. Brown	Micon
T. Brown	Moses
Buck	Murphy <input type="checkbox"/>
Buell	Neese <input type="checkbox"/>
Burton	Niezgodski
Candelaria Reardon	Noe
Cheatham	Orentlicher
Cheney	Oxley
Cherry	Pelath
Cochran	Pflum
Crawford	Pierce
Crooks <input type="checkbox"/>	Pond
Crouch <input type="checkbox"/>	Porter
Davis	Reske
Day	Richardson
Dembowski	Ripley
Denbo	Robertson
Dermody	Ruppel
Dickinson	Saunders
Dobis	M. Smith
Dodge	V. Smith
Duncan	Soliday
Dvorak	Stemler
Eberhart	Stevenson
Elrod	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta <input type="checkbox"/>	Torr
Goodin	Turner
Grubb	Tyler
Gutwein <input type="checkbox"/>	Ulmer
E. Harris	VanHaften
T. Harris	Walorski
Herrell	Welch
Hinkle	Whetstone
Hoy	Wolkins
Kersey	Mr. Speaker

Roll Call 387: 93 present; 7 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

[Journal Clerk's Note: Roll calls 380-386 were machine tests.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, March 27, 2007, at 1:00 p.m.

L. LAWSON

Motion prevailed.

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1237 and 1287 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL

Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Acts 96, 108, 150, 163, 166, and 185 for signature of the Speaker of the House.

MARY C. MENDEL

Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 6 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL

Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 26 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL

Principal Secretary of the Senate

## MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 44 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL

Principal Secretary of the Senate

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 34

Representatives Duncan, Summers, Tyler, and Hinkle introduced House Concurrent Resolution 34:

A CONCURRENT RESOLUTION encouraging doctors to complete a rotation during their residencies in a clinic with a

history of diagnosing and treating people with autism spectrum disorder.

*Whereas, Autism is considered the fastest growing developmental disorder in the United States, occurring in as many as one in every 166 births;*

*Whereas, Despite a 10 to 17 percent annual growth rate in the incidence of autism, autism research remains one of the lowest funded areas of medical research in both the public and private sectors;*

*Whereas, Physicians must be fully aware of the relationship between a patient's medical problems and autism spectrum disorder;*

*Whereas, An understanding of the relationship between medical problems and autism spectrum disorder is particularly important for doctors in the areas of pediatrics and family medicine; and*

*Whereas, Doctors who complete a rotation during their residencies in a clinic with a history of diagnosing and treating autism spectrum disorder can broaden their clinical approach and learn to make the best possible decisions under all conditions: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana General Assembly and the Indiana Commission on Autism encourage doctors to complete a rotation during their residencies in a clinic with a history of diagnosing and treating people with autism spectrum disorder.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to D. Craig Brater, M.D., Dean of the Indiana University School of Medicine.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

### House Concurrent Resolution 35

Representative Hoy introduced House Concurrent Resolution 35:

A CONCURRENT RESOLUTION urging the legislative council to direct the sentencing policy study committee to study issues concerning expungement of arrest records.

*Whereas, Current law allows a person to petition a court for expungement of the person's arrest records if the person is arrested but no criminal charges are filed against the person or if all criminal charges filed against the person are dropped because of mistaken identity, no crime was in fact committed, or there was an absence of probable cause;*

*Whereas, There are other categories of persons who should be evaluated concerning their ability to petition a court for expungement of their arrest records, including a person who has had a conviction vacated and the state may not or will not refile criminal charges against the person, a person against whom a prosecution is barred because criminal charges have not been timely filed by the state, a person who has been acquitted of a criminal charge, a person who has successfully completed a pretrial diversion program, and a person who has had an indictment or information filed against the person dismissed; and*

*Whereas, To avoid the creation of undesirable or unintended consequences, it is necessary for each category of these persons to be carefully assessed before granting them the ability to petition a court for the expungement of their arrest records: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the legislative council is urged to direct the sentencing policy study committee to study issues concerning the expungement of arrest records, including possibly expanding the categories of persons who should be allowed to petition a court for the expungement of their arrest records.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

### House Concurrent Resolution 36

Representative Frizzell introduced House Concurrent Resolution 36:

A CONCURRENT RESOLUTION supporting presumptively open hearings in Juvenile and Family Court.

*Whereas, The National Council of Juvenile and Family Court Judges is an organization that identifies problems within our nation's juvenile and family courts and formulates ways of improving practice in order to enhance justice;*

*Whereas, The National Council seeks a society in which every child and every family in need of judicial oversight has access to fair, effective, and timely justice;*

*Whereas, The nation's juvenile and family courts decide cases involving children and families;*

*Whereas, These cases focus on our society's efforts to hold children accountable for their conduct, protect children from abuse and neglect, preserve families, and achieve timely permanency for children;*

*Whereas, The public has a legitimate and compelling interest in the work of our juvenile and family courts; and*

*Whereas, Open court proceedings will increase public awareness of the critical problems faced by juvenile and family courts and by child welfare agencies in matters involving child protection, may enhance accountability in the conduct of these proceedings by lifting the veil of secrecy that surrounds them, and may ultimately increase public confidence in the work of the judges of the nation's juvenile and family courts: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana General Assembly supports the concept that our nation's juvenile and family courts be open to the public except when the juvenile or family court judge determines that the hearing should be closed in order to serve the best interests of a child or family members.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Juvenile Justice Improvement Committee and the Justice Shepard, Chief Justice of the Indiana Supreme Court.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

### House Concurrent Resolution 37

Representative Frizzell introduced House Concurrent Resolution 37:

A CONCURRENT RESOLUTION urging the development of ways to provide readily accessible and affordable insurance to more Hoosiers.

*Whereas, The Indiana General Assembly finds that access to health insurance is important to the state's citizens, and that Hoosiers should be able to choose from a wide variety of plans that ensure health insurance is accessible and affordable;*

*Whereas, Many Indiana citizens either do not have access to health insurance or cannot afford to purchase it;*

*Whereas, State legislators can have a profound impact on the affordability, accessibility, and availability of health insurance;*

*Whereas, A free market in health insurance provides consumers with a broad range of affordable health insurance options, promotes competition, keeps health insurance premium rates low, and helps the uninsured get and keep health insurance;*

*Whereas, The Indiana General Assembly can help consumers find affordable health insurance by promoting free market solutions, including health savings accounts, small group premium subsidies, list billing, high risk pools, limited mandate health insurance, plan design freedom, tax deductions, and health insurance vouchers;*

*Whereas, Many states have increased health insurance costs by instituting policies that harm consumers, including requiring mandated benefits in policies sold to consumers, instituting price controls, limiting consumer options in the individual market by limiting the ability of health insurers to design health insurance plans, and requiring health insurance companies in the individual market to accept all applicants; and*

*Whereas, Many reforms have actually harmed consumers by contributing to health insurance premiums that are unaffordable to many Americans, eliminating consumer choice, and increasing the number of citizens who are uninsured: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana General Assembly finds that free market-based solutions, unfettered by burdensome government regulation, are the best way to provide consumers with access to innovative and affordable health insurance options that both reduce the number of uninsured Hoosiers and alleviate the dependence of our most vulnerable members of society on one-size-fits-all government subsidized health care programs.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the American Legislative Exchange Council and the United States Department of Health and Human Services.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

### **House Concurrent Resolution 38**

Representatives Klinker, Duncan, and Kuzman introduced House Concurrent Resolution 38:

A CONCURRENT RESOLUTION urging the family and social services administration, the state department of health, and the budget agency to ensure that the money previously appropriated for Silvercrest and the Fort Wayne State Developmental Center is retained for use for services for persons with developmental disabilities.

*Whereas, Many persons with developmental disabilities and their families have been served by Silvercrest and the Fort Wayne State Developmental Center throughout the years;*

*Whereas, With the closure of Silvercrest and the planned closure of the Fort Wayne State Developmental Center, the need for services for persons with developmental disabilities and their families does not diminish;*

*Whereas, As these facilities close their doors, money will continue to be needed to ensure that the clients of these facilities and their families will continue to receive the high level of care that they need;*

*Whereas, The funding used to support the Fort Wayne State Developmental Center and Silvercrest can best be used to*

*improve the quality and quantity of services to persons with developmental disabilities living in the community, at a time when the need vastly outstrips the available resources; and*

*Whereas, The members of the commission on mental retardation and developmental disabilities believe that it is essential that the appropriations previously made to fund the operation of Silvercrest and the Fort Wayne State Developmental Center continue to be made for services for persons with developmental disabilities: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana General Assembly urges the family and social services administration, the state department of health, and the budget agency to ensure that the money previously appropriated for Silvercrest and the Fort Wayne State Developmental Center is retained for use for services for persons with developmental disabilities.

SECTION 2. That the commission on mental retardation and developmental disabilities endorses the adoption of this resolution.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the secretary of the family and social services administration, the commissioner of the state department of health, and the director of the budget agency.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

### **House Concurrent Resolution 39**

Representative Frizzell introduced House Concurrent Resolution 39:

A CONCURRENT RESOLUTION urging the establishment of a recycling and redistribution program for narcotics in health care facilities and other established state drug repositories.

*Whereas, The federal Centers for Medicare and Medicaid Services estimate that more than \$1 billion in unused prescription drugs, including Schedule II controlled substances and other narcotics, are improperly disposed of each year;*

*Whereas, Unused prescription drugs disposed of in the sewage system flow into rivers, lakes, and oceans and are spread onto farm fields as sludge;*

*Whereas, Unused prescription drugs disposed of in the trash can be scavenged by identity thieves, poison children and animals, and seep through landfills into groundwater;*

*Whereas, The poor, uninsured, and underinsured can benefit from the use of recycled narcotics as long as the medication is in its original, unopened container and a licensed pharmacist has determined that the contents are not expired, altered, or misbranded;*

*Whereas, There is growing movement in many states to enact drug repository legislation, but this legislation does not include the use of recycled narcotics;*

*Whereas, Although many state statutes do not preclude or prohibit the return of narcotics, it is the understanding of the Indiana General Assembly that federal agencies have prohibited the return of controlled substances to physicians' offices, pharmacies, hospitals, hospices, health clinics, long term care facilities, or similar state repositories for any purpose after they have been dispensed to patients; and*

*Whereas, The Indiana General Assembly recognizes that, in the absence of bad faith, any donor, participant, provider, or pharmaceutical manufacturer should not be liable for any claim or injury arising from participation in a drug repository program: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly urges the federal government to work with states in establishing recycling and redistribution programs for narcotics in health care facilities and other established state drug repositories.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the President of the United States, the members of the United States Congress, the appropriate leadership of the United States Department of Health and Human Services, the United States Food and Drug Administration, the United States Office of National Drug Control Policy, the United States Drug Enforcement Administration, and the U.S. Pharmacopeia.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

### House Concurrent Resolution 40

Representatives Koch, Welch, Austin, Cherry, Battles, Crouch, Cheatham, Dodge, Goodin, Lutz, Kersey, Noe, Klinker, Pond, Robertson, Soliday, V. Smith, Thompson, Ulmer, and Walorski introduced House Concurrent Resolution 40:

A CONCURRENT RESOLUTION urging the Congress of the United States to reevaluate the requirements of the "No Child Left Behind Act" and to fund the levels authorized in the act.

*Whereas, Blueprint 2000 was passed by Congress in 1990 and called for the establishment of goals for K-12 education, high standards of achievement, the development of a curriculum based on these standards, and an assessment system to ensure student learning progress and school accountability;*

*Whereas, Indiana has witnessed educational gains among its students as a result of the efforts of its students, teachers, parents, schools, and communities as an outcome of the implementation of the school reform and accountability system;*

*Whereas, In 2001, Congress enacted and President George W. Bush later signed into law the "No Child Left Behind Act" designed to ensure accountability of America's schools for the academic success of our students, especially those with disabilities and those with limited English proficiency;*

*Whereas, The "No Child Left Behind Act" departs from the time honored American principle of balanced federalism and respect for state and local prerogatives, especially in education;*

*Whereas, The "No Child Left Behind Act" mandates that all schools attain adequate yearly progress toward the goal of 100% student proficiency in reading, math, language arts, and science by the 2013-2014 school year; and*

*Whereas, The goals of the "No Child Left Behind Act" may be unrealized because of economic challenges in the states: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly urges the Congress of the United States to hold harmless those states that, as a result of their own educational accountability system, meet or exceed the requirements of the "No Child Left Behind Act".

SECTION 2. That if a state is not held harmless, the Indiana General Assembly requests the Congress of the United States to provide federal funding in amounts consistent with the levels authorized in the "No Child Left Behind Act" for education programs and expanded information systems needed to accurately reflect student, school, and school district performance and professional development training necessary for teachers.

SECTION 3. That the Indiana General Assembly requests the Congress of the United States to authorize appropriate methods of assessment for students who are not proficient in English and students with disabilities.

SECTION 4. That the Indiana General Assembly requests the Congress of the United States to allow an appropriate methodology for determining adequate yearly progress targets and progress of students who are not proficient in English and of students with disabilities.

SECTION 5. That the Indiana General Assembly requests the Congress of the United States to allow flexibility in calculating adequate yearly progress for students belonging to multiple groups and subgroups.

SECTION 6. That the Indiana General Assembly requests the Congress of the United States to recognize, through law and revisions thereto, that our federal system of government education is primarily a state and local responsibility.

SECTION 7. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Indiana Congressional delegation.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

### House Concurrent Resolution 41

Representative Crawford introduced House Concurrent Resolution 41:

A CONCURRENT RESOLUTION urging the enactment of legislation to provide mainstream banking services and credit products to allow a "second chance" to build or rebuild credit and expressing the Indiana General Assembly's support of basing automobile insurance rates on a driver's record and type of automobile.

*Whereas, There is a substantial population in the United States that does not have access to traditional sources of consumer credit, financial services, or bank checking accounts;*

*Whereas, The majority of financial institutions rely on the scoring system of the Fair Isaac Corporation (FICO score) to determine the creditworthiness of consumers;*

*Whereas, The FDIC considers consumers with FICO scores of 660 and below to be sub-prime credit consumers;*

*Whereas, There are an estimated 80 million people in the United States with FICO scores of 660 and below;*

*Whereas, There are an estimated 54 million people in the United States that have no credit score or a thin credit file;*

*Whereas, Individuals who do not have or maintain traditional bank accounts are "unbanked";*

*Whereas, Individuals who have impaired credit or thin credit files are financially "underbanked";*

*Whereas, The "unbanked" or "underbanked" population is denied credit and financial products that are generally available to others in the United States;*

*Whereas, The unbanked and underbanked population is over 51% African-American;*

*Whereas, Federally regulated banks are limited in the amount of risk that they can undertake in servicing consumers with FICO scores below 600;*

*Whereas, The National Black Caucus of State Legislators (NBCSL) understands and recognizes that consumers with low FICO scores represent a higher cost to service due to the associated risk;*

*Whereas, A key objective of NBCSL is to assist African-Americans and other underserved financial consumers*

*in obtaining equal access to consumer credit and financial opportunities;*

*Whereas, It is the purpose of this resolution to recognize and support the efforts of financial services companies and their associated bank partners to make mainstream credit products and financial services available to African-Americans and other underserved financial consumers on terms that are fair and equitable;*

*Whereas, All consumers deserve the right to know the terms, conditions, and costs of obtaining credit through full, accurate, and understandable disclosure;*

*Whereas, In addition, automobile and homeowner insurance redlining has forced many residents in urban settings to choose between paying for necessities for their families or paying unaffordable, unfair insurance rates;*

*Whereas, Michigan studies have shown that residents of Michigan cities with large African-American populations pay more for insurance, illustrating the disparities that exist in automobile rates of up to 17% between cities with similar population sizes and automobile theft rates, but having different racial makeups;*

*Whereas, Insurance providers have continually justified these exorbitant insurance rates in Detroit and other predominantly African-American communities by basing rates on consumers' credit scores, even though no direct link exists between a consumer's credit score and his or her insurance worthiness;*

*Whereas, Many entry level jobs in the inner city are not accessible by mass transit, and those residents wanting to transition from welfare to work are often unable to accept employment opportunities because of transportation issues; and*

*Whereas, Adding to this problem is the fact that the working poor in other African-American cities who do have access to an automobile are often unable to afford automobile insurance: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana General Assembly supports the enactment of legislation to provide mainstream banking services and credit products to allow a "second chance" to build or rebuild credit.

SECTION 2. That the Indiana General Assembly supports working with all applicable federal agencies, policymakers, and legislative caucuses to create regulations and legislation to promote a stable regulatory environment for financial services companies and their banking partners to service the underserved financial consumer and end the current environment of inequitably providing mainstream credit products and financial services to underserved financial consumers.

SECTION 3. That the Indiana General Assembly supports financial services companies that provide financial services and credit products to African-American consumers and other financially underserved communities on terms that fairly account for the credit risk undertaken by such companies.

SECTION 4. That the Indiana General Assembly supports financial services companies that partner with federal and state chartered banks to promote and enhance the availability and accessibility of mainstream financial products and services to the financially underserved and in their communities.

SECTION 5. That the Indiana General Assembly supports financial services companies that provide consumer education to the unbanked and underbanked consumer to educate them of the various options for consumer credit and financial services that are available.

SECTION 6. That the Indiana General Assembly supports financial services companies that develop relationships with

national credit bureaus to accept all credit payment history equitably.

SECTION 7. That the Indiana General Assembly supports financial services companies that provide a credit delivery platform that individually assesses consumers under risk-based pricing and incorporates guaranteed graduation to better credit terms and lower prices for underserved consumers who demonstrate creditworthiness.

SECTION 8. That the Indiana General Assembly supports financial services companies that provide mainstream banking services for the unbanked consumer while providing service options to meet their individual financial needs.

SECTION 9. That the Indiana General Assembly supports financial services companies that provide full, accurate, and understandable disclosure of agreement terms, conditions, and the cost of obtaining credit.

SECTION 10. That the Indiana General Assembly supports a competitive regulatory framework for financial services companies to provide mainstream banking services and credit products to the unbanked and underbanked that will result in new product innovation, enhanced delivery mechanisms, lower prices, and better terms that will bridge financially underserved consumers and underprovided communities to financial empowerment.

SECTION 11. That the Indiana General Assembly supports the development of a stable regulatory environment through the development of state legislation that will foster a competitive environment for financial services companies and their bank partners.

SECTION 12. That the Indiana General Assembly supports the development of a national regulatory framework that will allow financial services companies and their bank partners to provide mainstream financial services and credit products to the unbanked and underbanked consumer.

SECTION 13. That the Indiana General Assembly supports the efforts of financial services companies and their bank partners that join in partnership with the NBCSL members in providing availability and accessibility of financial services and credit products for the unbanked and underbanked consumer.

SECTION 14. That the Indiana General Assembly supports the efforts of financial services companies and their bank partners that incorporate and implement the objectives of this resolution to equitably provide mainstream financial services and credit products to the financially underserved consumer while providing a vehicle to bridge the gap of the financial empowerment divide.

SECTION 15. That the Indiana General Assembly directs the Department of Financial Institutions to develop a plan for all regulated banks and credit unions that would prohibit regulated banks and credit unions from denying consumers access to checking or savings accounts based on credit scores alone.

SECTION 16. That the Indiana General Assembly strongly supports basing automobile insurance rates on a driver's record and his or her type of automobile instead of on the basis of where the driver lives and strongly believes that neither homeowner's insurance nor automobile insurance rates should be based on a consumer's credit score.

SECTION 17. That the Indiana General Assembly will work with the governor's office and the Department of Insurance to create rules and legislation that will end discriminatory practices of redlining in Indiana.

SECTION 18. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of Governor Mitchell Daniels, the commissioner of the Indiana Department of Insurance, and the National Black Caucus of State Legislators.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

### House Concurrent Resolution 42

Representative Crawford introduced House Concurrent Resolution 42:

A CONCURRENT RESOLUTION promoting a "smart on crime" agenda that reduces recidivism by addressing barriers that prohibit employment of people with criminal records.

*Whereas, In today's society, safety and security require a new level of diligence on the part of elected officials, employers, and local communities;*

*Whereas, This new level of diligence includes criminal background checks for employment purposes when necessary and appropriate;*

*Whereas, Overly broad federal and state laws that prohibit employment of people with criminal records can undermine public safety by limiting the job opportunities of deserving individuals who have paid their debt to society;*

*Whereas, One in five adult Americans has a criminal record that can create a lifetime employment barrier when federal and state laws require a criminal background check as a condition of employment;*

*Whereas, A record 650,000 individuals are released from prison each year, returning to their communities and seeking good jobs, which are key to their successful reentry into society;*

*Whereas, Three in four individuals leaving prison were incarcerated for nonviolent offenses, most often drug offenses;*

*Whereas, Two-thirds of nonviolent offenders now leaving prison are people of color;*

*Whereas, The Justice Kennedy Commission of the American Bar Association, the Re-entry Policy Council of the Council of State Governments, and leading experts have called on state and federal officials to adopt a "smart on crime" agenda to reduce recidivism by reviewing employment laws that affect employment of people with criminal records and eliminating those provisions that are not directly linked to improving public safety and security;*

*Whereas, There has been an increase of federal and state laws in entry-level occupations that often prohibit employment of people with criminal records without considering rehabilitation and the age and severity of the disqualifying offense; and*

*Whereas, the Congress of the United States has commissioned the United States Attorney General to prepare recommendations for federal policy related to criminal background checks and employment that include proposals to make the FBI's criminal records directly available to private employers upon request, bypassing independent state review procedures: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly supports a "smart on crime" agenda with the goal of reducing recidivism by addressing unwarranted barriers in federal and state laws that prohibit employment of people with criminal records.

SECTION 2. That the Indiana General Assembly will work to identify state laws that unfairly deny or restrict employment of people with criminal records and evaluate the impact of these laws on job opportunities otherwise available to state residents.

SECTION 3. That the Indiana General Assembly will work to eliminate those employment prohibitions in state laws that are not directly related to improving public safety and security and adopt protections that consider rehabilitation as well as the age and severity of criminal offenses.

SECTION 4. That the Indiana General Assembly will work with the business community, labor, corrections officials, and community based organizations to support programs providing

vocational and educational training to people with criminal records that prepares and connects them to jobs in growing industries.

SECTION 5. That the Indiana General Assembly calls on the United States Attorney General and Congress of the United States to adopt federal standards that eliminate unwarranted barriers in federal laws that prohibit employment of people with criminal records and incorporate protections that take into account rehabilitation as well as the age and severity of offenses.

SECTION 6. That the Indiana General Assembly supports the current restrictions that prohibit access to FBI records by private employers in order to limit the significant potential for error and abuse in reviewing criminal records that undermines the employment opportunities of people with criminal records and to maintain existing state privacy and employment safeguards.

SECTION 7. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of the Indiana Congressional delegation and the United States Attorney General.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

### House Concurrent Resolution 43

Representatives Kuzman and Crawford introduced House Concurrent Resolution 43:

A CONCURRENT RESOLUTION urging the Legislative Council to assign to the Commission on State Tax and Financing Policy the evaluation of the impact of economic development incentives enacted since 2001.

*Whereas, Researchers have often questioned the cost effectiveness of certain economic development incentives, such as an automatic property tax abatement found in Senate Bill 1-2005, the Indiana 21st Century research and development fund, elimination of sales tax on research and development, and waivers of certain regulatory guidelines, and have suggested that the increasing use of these incentives has led to unhealthy competition among states and local units of government that have attempted to attract certain economic development projects;*

*Whereas, State and local officials have noted that a jurisdiction that voluntarily reduces the use of these incentives while other jurisdictions continue to offer them would be identified as having a poor business climate and would run the risk of losing vitally important opportunities for capital development and job creation or retention; and*

*Whereas, Therefore, it behooves the Commission on State Tax and Financing Policy to further study and evaluate the use and types of economic development incentives enacted in Indiana since 2001: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Legislative Council is urged to assign to the Commission on State Tax and Financing Policy the evaluation of the impact of economic development incentives enacted since 2001.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

### House Concurrent Resolution 44

Representatives Klinker, Duncan, and Kuzman introduced House Concurrent Resolution 44:

A CONCURRENT RESOLUTION urging the family and social services administration, with advice from other appropriate state agencies and private entities, to study means of providing

meaningful career opportunities for individuals providing direct care to persons with developmental disabilities.

*Whereas, The placement of persons with developmental disabilities in a variety of community settings is the goal of the state;*

*Whereas, The safety, care, and well-being of persons with developmental disabilities receiving care in community settings is of the utmost importance;*

*Whereas, Ensuring continuity of care for persons with developmental disabilities in community settings is essential for quality of care;*

*Whereas, The individuals providing direct care to persons with developmental disabilities in community settings are rendering invaluable services to persons with developmental disabilities and their families, and to the state; and*

*Whereas, Providing adequate compensation, training, and a career path for individuals providing direct care to persons with developmental disabilities in community settings is essential to ensure quality care: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana General Assembly urges the family and social services administration, with advice from other appropriate state agencies and private entities, to study means of providing meaningful career opportunities for individuals providing direct care to persons with developmental disabilities. The study should include the following elements:

- (1) Adequate initial training and ongoing training.
- (2) The development of a career path designed to attract and retain caregivers.
- (3) A plan to ensure a living wage for the caregivers, including wages that are competitive with other jobs for which the caregivers are qualified.

SECTION 2. That the commission on mental retardation and developmental disabilities endorses the adoption of this resolution.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the governor and the secretary of the family and social services administration.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative E. Harris.

### House Concurrent Resolution 45

Representatives Turner, Bosma, Welch, and Buell introduced House Concurrent Resolution 45:

A CONCURRENT RESOLUTION congratulating the Heritage Christian High School girls' basketball team on its Class 2A state basketball championship victory.

*Whereas, Heritage Christian High School won the 2006-2007 girls' basketball state championship with the Lady Eagles' 62-44 victory over Jimtown High School in the Indiana High School Athletic Association (IHSAA) Class 2A girls' basketball championship;*

*Whereas, The Eagles, who were led by center Courtney Turner's 18 points, Kelly Faris's 16 points, 10 rebounds, and 7 assists, and Bre Jones's 12 points, capped off their 26-3 season with their second consecutive state title, only the second Class 2A school to repeat as state champions, in front of a crowd of 7,602;*

*Whereas, During the season, the Eagles played 17 teams from larger classes and amassed 15 victories, including a ten point victory over Class 3A state champions Indianapolis Brebeuf;*

*Whereas, In the state championship game, Heritage Christian jumped out to a 12-0 lead over Jimtown and expanded their advantage to 25-8 midway through the second period, which included three 3-pointers by Claire Freeman;*

*Whereas, With 7 ½ minutes left in the game, the lead had grown to 47-24;*

*Whereas, Heritage Christian used quick bursts in the 1st and 3rd quarters and a balanced scoring attack to overwhelm the Jimtown defense;*

*Whereas, Heritage Christian set Class 2A state finals records with 17 team assists and an 18 point margin of victory;*

*Whereas, Bre Jones, Kelly Faris, and Courtney Turner were named to the Associated Press State Finals All Tournament Team, and Courtney Turner was selected as the Most Valuable Player;*

*Whereas, Heritage Christian lost only three games, including overtime losses to State 4A Champion South Bend Washington, nationally-ranked Lexington Catholic, and State 4A power Carmel High School;*

*Whereas, Heritage Christian was rated number one in pre-season polls and maintained its number one ranking in Class 2A throughout the year, culminating in a state championship;*

*Whereas, Senior Co-captains Courtney Turner and Bre Jones have played in the state finals three of the last four years and helped to continue the history and tradition of Heritage Christian High School girls' basketball;*

*Whereas, Kelly Faris was named Player of the Year for the City of Indianapolis;*

*Whereas, Head Coach Rick Risinger was named Coach of the Year for the City of Indianapolis for the second consecutive year;*

*Whereas, Under second year Head Coach Rick Risinger, the Eagles are 51-6 with two state championships; and*

*Whereas, Former coach Doc Richards, who passed away in 2005, left the Heritage Christian team with the words of wisdom to always "glorify God, play hard, and have fun"; the Lady Eagles have continued to play true to the advice of their beloved coach: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Heritage Christian Lady Eagles on winning its second consecutive Class 2A girls' basketball state championship and wishes the team members continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Kaycee Jones, Claire Freeman, Alyssa Burton, Courtney Turner, Vic Casey, Emily Anderson, Kelly Faris, Bre Jones, Meredith Martin, Sacha Stikeleather, Alicia Byrd, and Melissa Metzelfield, head coach Rick Risinger, assistant coaches Ron Young, Courtney Risinger, Teri Burton, Alicia Michaelson, and Eric Turner, student manager Leah Richards, score keeper Mike Burton, athletic director Jeff Hester, assistant athletic director, Nate Bates, athletic assistant, Susie Siner, principal Al Leinbach, announcer Larry Myers, and photographers Chuck Owens and Cyndi Richards.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Merritt.

**House Concurrent Resolution 46**

Representatives Behning and Whetstone introduced House Concurrent Resolution 46:

A CONCURRENT RESOLUTION honoring Christopher G. Cavanaugh.

*Whereas, The American Civic Education Teacher Award honors elementary and secondary civic education teachers "who have demonstrated special expertise in teaching about the U.S. Constitution, Congress, and public policy at the state and local levels";*

*Whereas, Christopher G. Cavanaugh was one of three teachers awarded the inaugural American Civic Education Teacher Award;*

*Whereas, Christopher G. Cavanaugh, who has been teaching social studies at Plainfield High School for 17 years, was recognized for his exemplary work in preparing young people to become informed and engaged citizens;*

*Whereas, The American Civic Education Teacher Award recipients are selected from letters of recommendation and the applicant's own statement that help the selection committee determine the teacher's command of the subject matter taught and the ability to communicate this knowledge to contribute to the students' civic knowledge, intellectual and participatory skills, and civic dispositions;*

*Whereas, In addition to the American Civic Education Teacher Award, Christopher G. Cavanaugh has received numerous awards and accolades, including the Corporation ROSE (Recognizing Outstanding School Employees) Award, the Plainfield Optimist Partners in Education Award for Outstanding Teaching, and the James Madison Senior Fellowship;*

*Whereas, Christopher G. Cavanaugh has a masters of arts in history with a focus on constitutional history from Butler University, a degree that is given to only one person per state each year;*

*Whereas, Christopher G. Cavanaugh has guided his classes through several "We the People" competitions, earning fifth place finishes the last three years, and hosted U.S. Congressional debates for the district in 2002 and 2004; and*

*Whereas, Christopher G. Cavanaugh is a shining example of an outstanding teacher whose dedication and tireless devotion to his students will help mold the children of our state into active and aware citizens: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates Christopher G. Cavanaugh on his selection as a recipient of the inaugural American Civic Education Teacher Award and expresses gratitude for his dedication to the students of Plainfield High School.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Christopher G. Cavanaugh and Scott Olinger, principal of Plainfield High School.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators C. Lawson and Lubbers.

**House Concurrent Resolution 47**

Representative Thompson introduced House Concurrent Resolution 47:

A CONCURRENT RESOLUTION honoring Larry Rambis.

*Whereas, Larry Rambis has served the North West Hendricks School Corporation for more than 23 years; at the end of the 2006-2007 school year he will be stepping down as Superintendent;*

*Whereas, Larry Rambis was born on September 16, 1942, in Shelburn, Indiana, the middle child of Frank and Elizabeth Rambis;*

*Whereas, An outstanding high school athlete, Larry Rambis received a full four year football scholarship to Tulane University in New Orleans, graduating in 1965 with a bachelor of arts degree in history and a master's of education degree in 1969;*

*Whereas, Larry Rambis began his teaching career in 1965 at Metairie Park Country Day School where he also coached football, basketball, and track;*

*Whereas, After being away from his home state for several years, Larry Rambis returned to Indiana and earned an education specialist degree from Indiana State University;*

*Whereas, In 1984, after teaching in two other school corporations, Larry Rambis accepted the position of superintendent of the North West Hendricks School Corporation;*

*Whereas, Larry Rambis is justifiably proud of the accomplishments of the North Salem, Pittsboro, and Tri-West schools, including Academic Decathlon championship teams for ten years, Four Star School awards, high ISTEP scores, and state championship and runner-up teams in football; and*

*Whereas, It is fitting that we recognize the contributions of Larry Rambis to Indiana public education: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly thanks Larry Rambis for his years of dedicated service to the students of North West Hendricks School Corporation and wishes him success in his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Larry Rambis and his family and the North West Hendricks School Corporation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators C. Lawson and Boots.

**House Concurrent Resolution 48**

Representatives Koch and Welch introduced House Concurrent Resolution 48:

A CONCURRENT RESOLUTION recognizing the centennial of "The Art Colony of the Midwest" in Brown County, Indiana.

*Whereas, For a century now, the beauty of Brown County has inspired artists from around the country and the world;*

*Whereas, Theodore Clement (T.C.) Steele, Indiana's premier portraitist in the late 19th and early 20th centuries, came to live in Brown County in 1907, purchasing 221 acres and establishing a home and art studio;*

*Whereas, His home, known as the "House of the Singing Winds", has been designated as a historic site for all Hoosiers and visitors to our state to enjoy;*

*Whereas, During his lifetime, many artists came to visit T.C. Steele at his home in Brown County and became enamored with the beauty of Brown County;*

*Whereas, Many of these artists relocated to Brown County, calling it the "Peaceful Valley" and creating what is now known as the Brown County Art Colony;*



*Whereas, The art colony has grown since the days when T.C. Steele was painting in his studio; today, Brown County's arts and crafts galleries are a showcase for a diverse collection of art and artists; and*

*Whereas, Throughout the years, the rolling hills and beautiful valleys of Brown County and the arts and crafts they inspire have given Hoosiers and visitors from other states the feeling of peace and happiness true beauty always brings: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana General Assembly commemorates the centennial of the Brown County Art Colony and acknowledges the outstanding art and artists who bring such beauty into our lives.

SECTION 2. That the Indiana General Assembly hereby recognizes Brown County, Indiana, as "The Art Colony of the Midwest."

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Brown County Convention and Visitors Bureau, the Brown County Convention and Visitors Commission, the Brown County Arts and Cultural Commission, the Brown County Chamber of Commerce, the T.C. Steele State Historic Site, the Brown County Commissioners, the Brown County Council, and the Nashville Town Board.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Simpson.

### House Resolution 39

Representative Moses introduced House Resolution 39:

A HOUSE RESOLUTION urging the establishment of an interim study committee to study electronic gaming.

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana:*

SECTION 1. That the legislative council is urged to establish a committee to study electronic gaming.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

### House Resolution 40

Representative Goodin introduced House Resolution 40:

A HOUSE RESOLUTION urging the United States Congress to use all available resources to control the influx of illegal aliens into the United States.

*Whereas, The states have limited legislative authority to control illegal immigration; and*

*Whereas, The ultimate authority to provide security for the borders of the United States rests with Congress: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana General Assembly urges Congress to use all the resources available to them to control the ever growing problem of illegal immigration into the United States.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Speaker of the United States House of Representatives, the

President Pro Tempore of the United States Senate, and the members of the Indiana Congressional Delegation.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

### House Resolution 41

Representative V. Smith introduced House Resolution 41:

A HOUSE RESOLUTION supporting the Harriet Tubman holiday recognizing the contributions and achievements of all women.

*Whereas, Harriet Ross Tubman was born into slavery in Bucktown, Maryland, in or around 1820;*

*Whereas, In 1849 she escaped slavery and became a "conductor" on the Underground Railroad, a series of stops and safe houses running north and providing an avenue of escape to freedom for hundreds of slaves;*

*Whereas, Mrs. Tubman reportedly undertook 19 trips as a conductor, despite great hardship and serious danger, in order to lead others to freedom;*

*Whereas, During the Civil War, Harriet Tubman served in the Union Army as a nurse, scout, spy, and cook; and*

*Whereas, Harriet Tubman, whose courageous and dedicated pursuit of the promise of American ideals and common principles of humanity continues to inspire all people who cherish freedom, died at her home in Auburn, New York, on March 10, 1913: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives supports the observation of March 20, 2007, as "Harriet Tubman Day" and encourages citizens everywhere to celebrate the contributions and achievements of all women, regardless of race, creed, color, national origin, or social or economic status, in the spirit of Harriet Tubman.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to The National Harriet Tubman Holiday Committee.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

### House Resolution 42

Representatives Duncan and Welch introduced House Resolution 42:

A HOUSE RESOLUTION honoring Bret Cornn.

*Whereas, Bret Cornn has been named Physician Assistant of the Year by the Indiana Academy of Physician Assistants;*

*Whereas, The Indiana Physician Assistant of the Year award honors a physician assistant "who demonstrates exemplary service to the profession and the community and has furthered the image of physician assistants";*

*Whereas, Bret Cornn, the son of Wilma Cornn and the late Larry Cornn, was nominated and selected by the board of directors of the Indiana Academy of Physician Assistants;*

*Whereas, Bret Cornn received his undergraduate degree from DePauw University in 1992 and graduated with a Masters in Medical Science from the Allied Health Division of Emory University School of Medicine in Atlanta, Georgia in 1997;*

*Whereas, Bret Cornn is originally from Greensburg but has practiced family medicine with Jackson Park Physicians in Seymour since 1998;*

*Whereas, Bret Cornn has served the Indiana Academy of Physician Assistants as secretary, vice-president, president, and chairperson of the physician relations committee, and is*

*currently serving as co-chairman of the legislative affairs committee; and*

*Whereas, Bret Cornn exemplifies the dedication of physician assistants who, every day, bring their expertise and caring, professional demeanor to people who are in need of comfort and care: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives acknowledges the many contributions Bret Cornn has made to our state and its citizens through his dedication and hard work. Bret has worked tirelessly to improve the health and well being of countless Hoosiers.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Bret Cornn.

The resolution was read a first time and adopted by voice vote.

## OTHER BUSINESS ON THE SPEAKER'S TABLE

### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 71 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL  
Principal Secretary of the Senate

### Senate Concurrent Resolution 6

The Speaker handed down Senate Concurrent Resolution 6, sponsored by Representatives Kersey, Tinch, and Thomas:

A CONCURRENT RESOLUTION urging the establishment of an interim study committee to study the feasibility of creating an intermodal Hoosier Inland Port to be located in Vigo and Clay counties.

*Whereas, Inland ports are shipping, receiving, and distribution centers designed to relieve the congestion of increasingly busy seaports;*

*Whereas, Handling cargo containers at inland facilities can cut the time freighters spend in port and speed the flow of goods between ships and the land transportation system of trucks and trains; and*

*Whereas, The creation of an intermodal Hoosier Inland Port on approximately 8,000 acres of land in eastern Vigo and western Clay counties would serve industrial, assembly, logistics, and distribution businesses: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Legislative Council is urged to establish a committee to study the feasibility of establishing an intermodal Hoosier Inland Port to be located in Vigo and Clay counties.

SECTION 2. That the committee, if established, shall direct the Indiana Port Commission, the Indiana Department of Transportation, the Department of Environmental Management, the Indiana Department of Natural Resources, and the Indiana Economic Development Corporation to participate in the study with regard to the subject areas that fall within their jurisdiction.

SECTION 3. That the committee, if established, should study the advantages this location would bring to the Hoosier Inland Port because it is adjacent to the Terre Haute International Airport, the Airport Development Zone, and the Foreign Trade Zone.

SECTION 4. That the committee, if established, shall report to the Indiana General Assembly by October 31, 2007, with findings and recommendations.

SECTION 5. That the committee, if established, shall operate under the direction of the Legislative Council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

### Senate Concurrent Resolution 26

The Speaker handed down Senate Concurrent Resolution 26, sponsored by Representatives Porter and Behning:

A CONCURRENT RESOLUTION urging the establishment of a study committee on the future of higher education in Indiana.

*Whereas, In September 2005, United States Secretary of Education Margaret Spellings appointed the Commission on the Future of Higher Education, which was charged with developing a comprehensive national strategy for postsecondary education;*

*Whereas, The Commission issued its final report in September 2006, calling for national and state-level action to improve college accessibility and affordability while reducing the cost of educational delivery, improving and assessing student learning, promoting innovation and entrepreneurship, and increasing institutional transparency and accountability;*

*Whereas, Over 150 educational and governmental leaders and policymakers from throughout the Midwest and beyond met in Indianapolis on November 13 and 14, 2006, in a policy summit convened by the Midwestern Higher Education Compact;*

*Whereas, Indiana currently ranks behind many of the ten other states in the Midwestern Higher Education Compact on various measures of college preparation and completion of college degrees, as well as in the percentage of state citizens who have earned bachelor's degrees;*

*Whereas, A strong relationship exists between the education level of a state's citizenry and the state's economic and societal health and well-being; and*

*Whereas, The vast majority of jobs created in the future will require a college degree or some other form of advanced technical training, and continued and enhanced efforts are needed to raise the education level of Hoosiers: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes the value of higher education to Indiana's future, supports an ongoing discussion of the general recommendations included in the final report of the Commission on the Future of Higher Education, and encourages the Indiana Commission for Higher Education, the colleges and universities in Indiana, the Indiana Roundtable for Education, and all other related agencies and entities in the state to advance the Commission's recommendations, including:

- (1) improving college access and affordability;
- (2) reducing the cost of educational delivery;
- (3) improving institutional and system efficiencies;
- (4) developing systems for assessing student learning;
- (5) promoting innovation and entrepreneurship; and
- (6) increasing institutional transparency and accountability.

SECTION 2. That the committee, if established, shall:

- (1) continue discussion and dialogue on the report and recommendations of the Commission on the Future of Higher Education, including an honest appraisal of the known and potential obstacles to advancing and fulfilling the various recommendations, in particular those listed in

Section 1;

- (2) identify individual and collaborative strategies for removing and overcoming these obstacles;
- (3) develop action plans, time lines, and specific, measurable performance benchmarks for achieving the recommendations;
- (4) share and promote proven strategies and promising practices for achieving and sustaining improved levels of performance in higher education; and
- (5) report to the General Assembly by November 1.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

#### Senate Concurrent Resolution 44

The Speaker handed down Senate Concurrent Resolution 44, sponsored by Representatives Koch and Goodin:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to name U.S. 50 from Bedford to Brownstown as the "Russell "Bob" Harrell Memorial Highway," for his years of service to the Indiana Department of Highways.

*Whereas, Russell "Bob" Harrell was born on a farm in Jefferson County, Indiana in 1908. He graduated Dupont High School, and attended Hanover College and Purdue University;*

*Whereas, Mr. Harrell began working for the Highway Department in 1924, carrying water and breaking rock, and has almost 75 years of active experience in highway and bridge engineering;*

*Whereas, in the course of Mr. Harrell's long and distinguished career, he served as a project engineer for the construction of U.S. 50 between Seymour and Brownstown. In addition, he was twice a district engineer of the Seymour District of the State Highway Department;*

*Whereas, upon assignment to the Indiana State Highway Central Office, Mr. Harrell served as assistant superintendent of maintenance, assistant chief engineer of operations, and director of the Indiana State Highway Department. In this capacity, Mr. Harrell was active in the construction of Indiana's interstate highway system;*

*Whereas, In 1974, after 45 years of dedicated service, Mr. Harrell retired from the Indiana State Highway Department and joined Sieco/Strand as a director of project development. He has since helped dozens of communities develop highway, bridge, road and traffic engineering projects;*

*Whereas, Mr. Harrell has twice been honored as a recipient of the Sagamore of the Wabash Award in 1969 and 1973, as well as a Distinguished Hoosier in 1970, and was an Indiana's Green Thumb recipient in 1999;*

*Whereas, Mr. Harrell and his wife Hazel have lived in many areas of Indiana, but moved to Seymour, Indiana in 1945 and have resided there ever since; and*

*Whereas, Russell "Bob" Harrell is known throughout the Hoosier State and his many years of dedicated professional service deserve recognition: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes Russell "Bob" Harrell for his many years of professional service to the Indiana Department of Highways, and his continuing service to the communities of Indiana after his retirement.

SECTION 2. That the Indiana General Assembly urges the Indiana Department of Transportation to name U.S. 50 from Bedford to Brownstown as the "Russell "Bob" Harrell Memorial Highway."

SECTION 3. The Secretary of the Senate is hereby directed

to transmit a copy of this resolution to Russell "Bob" and Hazel Harrell, and his son Jack Beem.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

#### Senate Concurrent Resolution 71

The Speaker handed down Senate Concurrent Resolution 71, sponsored by Representative Cherry:

A CONCURRENT RESOLUTION honoring the Brandywine Elementary School Spell Bowl Team.

*Whereas, On November 16, 2006, four divisions from 438 schools (5,372 students) across the state of Indiana participated in the Indiana Academic Teams for Excellence (IACE) Elementary Spell Bowl competition sponsored by Purdue University;*

*Whereas, The Brandywine Elementary School Spell Bowl Team became the 2006 Class Four Spell Bowl State Champion, scoring 55 points out of a possible 56 points;*

*Whereas, The Brandywine Elementary School Spell Bowl Team's season started in May with the selection of the team;*

*Whereas, The students studied over the summer and began formal team practices once school convened in August;*

*Whereas, The Brandywine Elementary School Spell Bowl Team members represented their school with good hard work, sportsmanship, dignity, and honor; and*

*Whereas, Excellence and effort in academics deserves special recognition: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Brandywine Elementary School Spell Bowl Team on its efforts and accomplishments and wishes the team continued success in future competitions.

SECTION 2. That the Secretary of the Senate transmit copies of this resolution to Superintendent James Halik, Principal Bruce Miller, Head Coach Kristie Satterfield, Assistant Coach JoDe Thomas, Proctor David Robinson, and team members Captain Justin Anderson, Captain Drew Gohmann, Captain Alex Hall, Captain Pete Rusche, Captain Savannah Sturm, Nicole Beaty, Morgan McKinney, Lauren Dickson, Regan Elsea, Sam Garrison, Jason Hooper, Alyson Moore, and Zach Nielsen.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

### ENGROSSED SENATE BILLS ON SECOND READING

#### Engrossed Senate Bill 88

Representative Porter called down Engrossed Senate Bill 88 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 103

Representative Stilwell called down Engrossed Senate Bill 103 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 103-1)

Mr. Speaker: I move that Engrossed Senate Bill 103 be amended to read as follows:

Page 4, line 35, delete "The" and insert "**Except as provided in subsection (b), the**".

Page 5, between lines 13 and 14, begin a new paragraph and insert:

**"(b) This subsection applies only to the city-county council of a consolidated city or county having a consolidated city. The city-county council violates this chapter if its members participate in a series of at least two (2) gatherings of members of the city-county council and the series of gatherings meets all of the following criteria:**

**(1) One (1) of the gatherings is attended by at least five (5) members of the city-county council and the other gatherings include at least three (3) members of the city-county council.**

**(2) The sum of the number of different members of the city-county council attending any of the gatherings at least equals a quorum of the city-county council.**

**(3) All the gatherings concern the same subject matter and are held within a period of not more than seven (7) consecutive days.**

**(4) The gatherings are held to take official action on public business**

**For purposes of this subsection, a member of the city-county council attends a gathering if the member is present at the gathering in person or if the member participates in the gathering by telephone or other electronic means, excluding electronic mail."**

Page 5, line 14, delete "(b)" and insert "(c)".

Page 5, line 14, after "(a)" insert "**or (b)**".

Page 5, line 41, delete "(c)" and insert "(d)".

Page 5, line 41, after "(a)" insert "**or (b)**".

(Reference is to ESB 103 as printed March 23, 2007.)

STILWELL

Motion prevailed. The bill was ordered engrossed.

#### Engrossed Senate Bill 106

Representative Reske called down Engrossed Senate Bill 106 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 125

Representative Kuzman called down Engrossed Senate Bill 125 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 125-1)

Mr. Speaker: I move that Engrossed Senate Bill 125 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

**"SECTION 1. IC 33-33-89-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. The judge of the superior court shall may appoint a bailiff, and an official court reporter, a referee, and a commissioner for the court, to serve during at the pleasure of the court. The judge shall fix their per diem or salary compensation within the limits and in the manner as provided by law concerning bailiffs these officers and official court reporters. The bailiff and court reporter employees. The compensation shall be paid monthly out of the treasury of Wayne County in the manner provided by law.**

**SECTION 2. IC 33-33-89.2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The judge of the Wayne superior court No. 2 shall may appoint a bailiff, and an official court reporter, a referee, and a commissioner for the court, to serve at the pleasure of the court. The judge shall fix their compensation within the limits and in the manner as may be provided by law concerning bailiffs these officers and official court reporters. employees. The compensation shall be paid monthly out of the treasury of Wayne County in the manner provided by law."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 125 as printed March 21, 2007.)

SAUNDERS

Motion prevailed. The bill was ordered engrossed.

#### Engrossed Senate Bill 229

Representative Kuzman called down Engrossed Senate Bill 229 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 267

Representative VanHaaften called down Engrossed Senate Bill 267 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 276

Representative Cheney called down Engrossed Senate Bill 276 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 342

Representative Reske called down Engrossed Senate Bill 342 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 553

Representative V. Smith called down Engrossed Senate Bill 553 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

#### Engrossed Senate Bill 557

Representative Kuzman called down Engrossed Senate Bill 557 for second reading. The bill was read a second time by title.

#### HOUSE MOTION (Amendment 557-1)

Mr. Speaker: I move that Engrossed Senate Bill 557 be amended to read as follows:

Page 1, line 4, delete "ultimate" and insert "**the following**:"

**(1) Ultimate fighting.**

**(2) Ultimate Fighting Championships.**

**(3) Mixed martial arts.**

**(4) Martial arts, including the following:**

**(A) Jujutsu.**

**(B) Karate.**

**(C) Kickboxing.**

**(D) Kung fu.**

**(E) Tae kwon do.**

**(5) Professional wrestling."**

Page 1, delete lines 5 through 6.

Page 2, line 8, delete "or Ultimate Fighting Championships".

Page 2, between lines 10 and 11, begin a new line block indented and insert:

**"(3) Ultimate Fighting Championships, as defined by the state boxing commission in rules adopted under IC 25-9-1-4.5;**

**(4) mixed martial arts, as defined by the state boxing commission in rules adopted under IC 25-9-1-4.5;**

**(5) martial arts, as defined by the state boxing commission in rules adopted under IC 25-9-1-4.5;"**

Page 2, line 11, delete "(3)" and insert "(6)".

Page 2, line 13, delete "(4)" and insert "(7)".

Page 2, line 16, delete "promotes or".

Page 2, line 18, delete "Class A" and insert "**Class C**".

Page 2, between lines 18 and 19, begin a new paragraph and insert:

**"Sec. 3. A person who knowingly or intentionally promotes or organizes combative fighting commits unlawful promotion or organization of combative fighting, a Class A misdemeanor. However, the offense is a Class D felony if, within the five (5) years preceding the commission of the offense, the person had a prior unrelated conviction under this section."**

Page 2, line 19, delete "," and insert **"and IC 35-45-18-3, both"**.

Page 2, line 20, delete "applies" and insert **"apply"**.  
(Reference is to ESB 557 as printed March 23, 2007.)

DVORAK

Motion prevailed. The bill was ordered engrossed.

Representative Murphy, who had been excused, was present.

## ENGROSSED SENATE BILLS ON THIRD READING

### Engrossed Senate Bill 30

Representative Porter called down Engrossed Senate Bill 30 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 388: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 333

Representative C. Brown called down Engrossed Senate Bill 333 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 389: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 211

Representative Crawford called down Engrossed Senate Bill 211 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. After discussion, Representative Crawford withdrew the call of Engrossed Senate Bill 211.

### Engrossed Senate Bill 247

Representative L. Lawson called down Engrossed Senate Bill 247 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 390: yeas 89, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 254

Representative VanHaaften called down Engrossed Senate Bill 254 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage.

## HOUSE MOTION (Amendment 254-2)

Mr. Speaker: I move that Engrossed Senate Bill 254 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 4, line 11, after "bonds" insert **"or a loan contract"**.

Page 4, line 18, after "The" insert **"commission may determine that a part of the"**.

(Reference is to ESB 254 as reprinted March 21, 2007.)

VAN HAAFTEN

There being a two-thirds vote in favor of the motion, the motion prevailed.

## COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 254, begs leave to report that said bill has been amended as directed.

VAN HAAFTEN

Report adopted.

The question then was, Shall the bill pass?

Roll Call 391: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Gutwein, who had been excused, was present.

### Engrossed Senate Bill 271

Representative L. Lawson called down Engrossed Senate Bill 271 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 392: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 312

Representative Klinker called down Engrossed Senate Bill 312 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 393: yeas 89, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 347

Representative Porter called down Engrossed Senate Bill 347 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 394: yeas 91, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representatives Borrer, Davis, T. Harris, and Torr were excused for the rest of the day.

### Engrossed Senate Bill 489

Representative Welch called down Engrossed Senate Bill 489 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 395: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 526

Representative VanHaaften called down Engrossed Senate Bill 526 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 396: yeas 83, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representatives Behning and Frizzell were excused for the rest of the day.

### Engrossed Senate Bill 550

Representative Welch called down Engrossed Senate Bill 550 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning anatomical gifts.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 397: yeas 87, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative GiaQuinta, who had been excused, was present.

### Engrossed Senate Bill 568

Representative Kuzman called down Engrossed Senate Bill 568 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage.

#### HOUSE MOTION (Amendment 568-5)

Mr. Speaker: I move that Engrossed Senate Bill 568 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 1, line 7, delete "January 1, 2008;" and insert "**July 1, 2007;**".

Page 1, line 11, delete "December 31," and insert "**June 30,**".  
Page 2, line 9, delete "December 31," and insert "**June 30,**".  
Page 7, line 8, delete "January 1, 2008," and insert "**July 1, 2007,**".

Page 7, line 18, delete "December 31," and insert "**June 30,**".  
Page 21, line 28, delete "December 31," and insert "**June 30,**".

(Reference is to ESB 568 as reprinted March 21, 2007.)

KUZMAN

There being a two-thirds vote in favor of the motion, the motion prevailed.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 568, begs leave to report that said bill has been amended as directed.

KUZMAN

Report adopted.

The question then was, Shall the bill pass?

Representatives Buell, Cochran, Crawford, Moses, and Tincher were excused from voting, pursuant to House Rule 46. Roll Call 398: yeas 80, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### REPORTS FROM COMMITTEES

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Engrossed Senate Bill 9, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, delete lines 9 through 33, begin a new paragraph and insert:

"SECTION 2. IC 22-11-14-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10.5. (a) As used in this section, "fireworks use ordinance" means an ordinance that regulates any of the following:**

- (1) The days and hours when consumer fireworks may be used, ignited, or discharged.**
- (2) The locations where consumer fireworks may be used, ignited, or discharged.**

**(b) Notwithstanding any other provision of this chapter:**

- (1) a county may adopt a fireworks use ordinance covering the unincorporated areas of the county; and**
- (2) a municipality may adopt a fireworks use ordinance covering the area within the corporate limits of the municipality.**

**(c) A fireworks use ordinance:**

- (1) may limit the use of fireworks:**

- (A) in the unincorporated areas of the county if adopted by a county; and**
- (B) in the municipality if adopted by a municipality;**

- (2) may not be more lenient than a rule adopted by a state agency concerning the use of fireworks; and**
- (3) may not limit the use of fireworks:**

- (A) between the hours of 5 p.m. and 11 p.m. on July 2, July 3, July 5, July 6, and July 7;**
- (B) between the hours of 10 a.m. and midnight on July 4;**
- (C) between the hours of 10 a.m. on December 31 and 1 a.m. on January 1; and**
- (D) between the hours of 10 a.m. and 11 p.m. on January 1.**

**(d) The power to enforce a noise ordinance by a county or a municipality is not affected by the county's or municipality's action or lack of action under this section."**

Renumber all SECTIONS consecutively.

(Reference is to SB 9 as reprinted February 7, 2007.)  
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 3.

V. SMITH, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Engrossed Senate Bill 113, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 2, after "city" insert "**park**".

Page 1, line 7, reset in roman "Members of a".

Page 1, line 7, after "town" insert "**city park**".

Page 1, line 7, reset in roman "board must be residents of the district."

Page 2, line 1, after "town" insert "**park**".

Page 2, line 6, before "board" insert "**town park**".

Page 2, line 17, after "county" insert "**park**".

Page 2, line 39, after "a" insert "**park**".

Page 3, line 4, after "county" insert "**park**".

Page 3, line 7, after "county" insert "**park**".

Page 3, line 9, after "county" insert "**park**".

Page 3, line 15, after "town" insert "**park**".

Page 3, line 17, after "town" insert "**park**".

Page 3, line 24, after "town" insert "**park**".

Page 3, after line 24, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "department" refers to the Indiana department of administration created by IC 4-13-1-2.

(b) As used in this SECTION, "preferred grantee" refers to any of the following:

(1) The town of Pendleton.

(2) The park board of the town of Pendleton.

(3) The town of Ingalls.

(4) The park board of the town of Ingalls.

(5) The Fall Creek Regional Wastewater District.

(6) The park board of Fall Creek Township, Madison County.

(7) The park board of Green Township, Madison County.

(c) As used in this SECTION, "state property" refers to any property owned by the state located in either of the following:

(1) Fall Creek Township, Madison County.

(2) Green Township, Madison County.

(d) The department shall offer to transfer to each of the preferred grantees any state property declared surplus under IC 4-20.5-7 after December 31, 2004, and before July 1, 2007.

(e) Notwithstanding IC 4-20.5-7, before the state offers surplus state property for sale or transfer to another person (including another political subdivision), the department shall offer to transfer the state property to each of the preferred grantees.

(f) If any of the preferred grantees notifies the department that the preferred grantee wants the state property offered under subsection (d) or (e), the property shall be transferred to the preferred grantee without consideration in the manner provided by IC 4-20.5-7.

(g) This SECTION expires July 1, 2012.

SECTION 4. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to SB 113 as printed February 16, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

V. SMITH, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 114, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 2.

C. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 134, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-3-3-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]: **Sec. 13.**

**(a) This section applies to taxable years beginning after December 31, 2006.**

**(b) The definitions in IC 24-4-15 apply to this section.**

**(c) As used in this section, "pass through entity" means:**

**(1) a corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);**

**(2) a partnership;**

**(3) a limited liability company; or**

**(4) a limited liability partnership.**

**(d) As used in this section, "taxpayer" means an individual, a corporation, or a pass through entity.**

**(e) As used in this section, "total unit cost" means the purchase price paid by a taxpayer for a defibrillator located in the taxpayer's health club.**

**(f) Subject to subsection (j), a taxpayer is entitled to a credit against the taxpayer's adjusted gross income tax liability (IC 6-3-1 through IC 6-3-7) for each defibrillator placed in the taxpayer's health club in a taxable year beginning after December 31, 2006, as required by IC 24-4-15. The amount of the credit to which a taxpayer is entitled under this section for a taxable year is equal to the taxpayer's total unit cost for each defibrillator that the taxpayer places in service in the taxpayer's health club in the taxable year.**

**(g) A taxpayer is not entitled to a carryback, carry forward, or refund of any unused credit. A taxpayer may not sell, assign, convey, or otherwise transfer the tax credit provided by this chapter.**

**(h) To obtain the credit provided by this section, the taxpayer must:**

**(1) claim the credit on the taxpayer's state tax return or returns in the manner prescribed by the department; and**

**(2) submit to the department proof of all information that the department determines is necessary for the calculation of the credit.**

**(i) If a pass through entity does not have adjusted gross income tax liability against which the credit may be applied, a shareholder, member, or partner of the pass through entity is entitled to a credit equal to:**

**(1) the credit determined for the pass through entity for the taxable year; multiplied by**

**(2) the percentage of the pass through entity's**

**distributive income to which the shareholder, member, or partner is entitled.**

**(j) This section expires December 31, 2009."**

Page 1, line 1, delete "IC 16-19-3-29" and insert "IC 16-19-3-29.2".

Page 1, line 3, delete "29." and insert "**29.2.**".

Page 1, line 5, delete "automatic" and insert "**automated**".

Page 1, line 9, delete "Automatic" and insert "**Automated**".

Page 1, line 11, delete "automatic" and insert "**automated**".

Page 1, line 17, delete ";" and insert "**that is focused primarily on cardiovascular exertion;**".

Page 2, line 8, after "least" insert ":".

Page 2, line 8, before "thirty" begin a new line double block indented and insert:

**"(A) fifty (50) persons have:**

**(i) purchased; or**

**(ii) paid a fee for;**

**the right to use the physical fitness facilities; or**

**(B)".**

Page 2, line 14, after "colleges," insert "**and**".

Page 2, line 15, delete ", hospitals, hotels, and motels." and insert ".".

Page 2, between lines 15 and 16, begin a new paragraph and insert:

**"(c) The term does not include a workout center in:**

**(1) a hospital licensed under IC 16-21 or a health facility licensed under IC 16-28;**

**(2) a hotel or motel, unless the workout center allows membership by individuals who are not guests of the hotel or motel; or**

**(3) an apartment, a condominium, or a town home complex."**

Page 2, line 26, after "who" insert ":".

**(A)".**

Page 2, line 27, delete "state department" and insert "**American Red Cross or the American Heart Association; and**

**(B) is currently certified;".**

Page 2, line 27, beginning with "in", begin a new line block indented.

Page 2, between lines 33 and 34, begin a new line block indented and insert:

**"(5) Post a sign at each entrance to the health club that indicates the location of each defibrillator."**

Page 2, line 35, after "involving" insert "**the use of or the failure to use**".

Page 2, between lines 36 and 37, begin a new paragraph and insert:

**"Sec. 7. (a) The state department and the division of fire and building safety may inspect a health club at any time:**

**(1) according to rules adopted by the state department; or**

**(2) in response to a filed complaint alleging noncompliance with this chapter.**

**(b) A fire department may inspect a health club for compliance with this chapter as part of an inspection program under IC 36-8-17-8."**

Page 2, line 37, delete "7." and insert "**8.**".

Page 2, line 39, delete "8." and insert "**9.**".

Page 3, line 3, delete "automatic" and insert "**automated**".

Page 3, after line 4, begin a new paragraph and insert:

**"SECTION 5. [EFFECTIVE JULY 1, 2007] (a) Notwithstanding IC 24-4-15, as added by this act, a health club is not required to comply with IC 24-4-15, as added by this act, before July 1, 2008.**

**(b) This SECTION expires December 31, 2009.**

**SECTION 6. An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to SB 134 as printed February 9, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

C. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 193, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 8 and 9, begin a new paragraph and insert:

**"(b) As used in this SECTION, "replacement bed" means a comprehensive care bed that is certified:**

**(1) during the same calendar quarter that an existing comprehensive care bed is decertified; however, if the existing comprehensive care bed is not decertified, the certification for the replacement bed expires at the end of the calendar quarter during which certification was granted;**

**(2) during the calendar quarter before the calendar quarter that an existing comprehensive care bed is decertified; however, if the existing comprehensive care bed is not decertified, the certification of the replacement bed expires at the end of the first calendar quarter after it was certified; or**

**(3) during the quarter after the existing comprehensive care bed is decertified.**

**The health facility seeking certification of replacement beds and the health facility intending to decertify beds shall jointly notify the state department of any transaction involving replacement beds on or before a health facility's request for certification of a replacement bed."**

Page 1, line 9, strike "(b)" and insert "(c)".

Page 2, between lines 29 and 30, begin a new line block indented and insert:

**"(6) One (1) health facility that is licensed or is to be licensed under IC 16-28 and that meets the following conditions:**

**(A) The health facility will add or construct not more than a total of twenty (20) comprehensive care beds.**

**(B) The director of the division of aging has determined that the health facility will provide an innovative and unique approach to the delivery of comprehensive care that incorporates residential accommodations in a small group setting offering a person centered culture.**

**(7) A hospital that is licensed or is to be licensed under IC 16-21 that is under development on June 30, 2006, to add or construct new facilities. In determining whether a hospital is under development on June 30, 2006, the state department shall consider:**

**(A) whether:**

**(i) architectural plans have been completed;**

**(ii) funding has been received;**

**(iii) zoning requirements have been met; and**

**(iv) construction plans for the project have been approved by the state department and the division of fire and building safety; and**

**(B) any other evidence that the state department determines is an indication that the hospital is under development."**

Page 2, line 30, strike "(c)" and insert "(d)".

Page 2, line 32, strike "(d)" and insert "(e)".

Page 2, line 34, strike "(e)" and insert "(f)".

Page 2, between lines 37 and 38, begin a new paragraph and insert:

**"(g) A hospital licensed or to be licensed under IC 16-21**



may not add or construct new facilities."

Page 2, line 38, strike "(f)" and insert "(h)".

Page 2, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE UPON PASSAGE] (a) The health finance commission shall study the following topics:

(1) Whether hospitals, including specialty hospitals, should be placed under a moratorium from adding or constructing new facilities.

(2) Whether specialty hospitals should be restricted from presenting their facilities to the public as a hospital.

(3) Whether the definition of the term "hospital" under IC 16-18-2-179 should be amended to include or exclude certain specialty health facilities.

(b) The health finance commission shall issue its recommendations concerning the topics studied under subsection (a) before November 1, 2007.

(c) This SECTION expires December 31, 2007."

Renumber all SECTIONS consecutively.

(Reference is to SB 193 as reprinted February 21, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

C. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Engrossed Senate Bill 270, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

BISCHOFF, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 327, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-34-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 0.5. (a) As used in this chapter, "school" refers to the following:

(1) A public school.

(2) An accredited nonpublic school.

(3) A charter school.

(b) The term does not include a school that provides solely home based instruction."

Page 2, delete lines 18 through 19.

Page 2, delete line 30.

Page 2, line 31, after "immunized;" insert "or

(3) the parent chooses not to provide the information to the school concerning whether the student was immunized;"

Page 2, line 35, delete "The state department of health shall adopt rules under" and insert "A student may not be prevented from enrolling in, attending, or graduating from school for the sole reason that the student has not provided the school with the written statement required under this section."

Page 2, delete line 36.

Page 3, line 11, delete "required".

Page 3, line 11, after "students" insert "in grade 6".

Page 3, line 12, delete "have;" and insert "have or will

have;"

Page 3, line 15, delete "." and insert ", and the number of female students in grade 6 whose parent chose not to provide the information to the school concerning whether the student was immunized."

Renumber all SECTIONS consecutively.

(Reference is to SB 327 as reprinted February 9, 2007.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

C. BROWN, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 566, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-15-13-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The office or a contractor of the office may not, during a state biennial budget period, reduce the rate of reimbursement to a Medicaid provider for a service that is reimbursable under the Medicaid program if the office has reverted to the state general fund any money appropriated to the office for the Medicaid program during the previous state fiscal year.

SECTION 2. IC 12-15-13-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Notwithstanding any other law, the office or a contractor of the office shall accept a Medicaid claim for a Medicaid recipient, including a Medicaid waiver recipient, for a service that is reimbursable under the Medicaid program for the Medicaid recipient for three (3) years after the date the service was provided.

(b) The office or a contractor of the office may not deny a Medicaid claim submitted by the office solely on the basis of:

(1) the date of submission of the claim;

(2) the type or format of the claim form; or

(3) a failure to provide proper documentation at the point of sale that is the basis of the claim;

if the claim is submitted by the Medicaid provider within three (3) years after the date the service was provided as required in subsection (a).

(c) The office or a contractor of the office shall pay a Medicaid claim submitted under this section at a rate equal to the highest rate of a state employee health plan, as defined in IC 5-10-8-6.6."

Page 1, line 4, before "(3)" insert "three".

Page 1, line 11, delete "point-of-sale" and insert "point of sale".

Page 2, delete lines 33 through 42, begin a new paragraph and insert:

"SECTION 6. IC 12-19-7.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "children's psychiatric residential treatment services" means services that are:

(1) eligible for federal financial participation under the state Medicaid plan; and

(2) provided to individuals less than twenty-one (21) years of age who are:

(A) eligible for services under the state Medicaid plan;

(B) approved by the office as eligible for admission to and treatment in a private psychiatric residential treatment facility; and

(C) either residing in a:

(i) private psychiatric residential facility for the purposes of treatment for a mental health condition, based on an approved treatment plan that complies with applicable federal and state Medicaid rules and regulations; or

(ii) less restrictive setting and participating in a federally approved community alternatives to psychiatric residential treatment facilities demonstration grant that provides safe, intensive, and appropriate services under an approved treatment plan that complies with federal and state Medicaid law."

Delete page 3.

Renumber all SECTIONS consecutively.

(Reference is to SB 566 as printed February 9, 2007.)  
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 3.

C. BROWN, Chair

Report adopted.

## OTHER BUSINESS ON THE SPEAKER'S TABLE

### Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bills 134 and 566 had been referred to the Committee on Ways and Means.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Goodin added as cosponsor of Engrossed Senate Bill 2.

L. LAWSON

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Fry added as cosponsor of Engrossed Senate Bill 114.

VAN HAAFTEN

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative C. Brown added as cosponsor of Engrossed Senate Bill 204.

BUELL

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Goodin added as cosponsor of Engrossed Senate Bill 286.

DVORAK

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Orentlicher added as cosponsor of Engrossed Senate Bill 311.

WELCH

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Mays removed as sponsor and Representative Cheney be substituted as sponsor of Engrossed Senate Bill 400.

MAYS

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Battles added as cosponsor of Engrossed Senate Bill 416.

DEMBOWSKI

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Stevenson added as cosponsor of Engrossed Senate Bill 472.

RESKE

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Pierce added as cosponsor of Engrossed Senate Bill 489.

WELCH

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Pelath, the House adjourned at 3:15 p.m., this twenty-sixth day of March, 2007, until Tuesday, March 27, 2007, at 1:00 p.m.

B. PATRICK BAUER

Speaker of the House of Representatives

CLINTON McKAY

Principal Clerk of the House of Representatives